COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU

NOTICE
16.2

March 24, 2017

TO: All Concerned Commanding Officers

FROM: Commanding Officer, Counter-Terrorism and Special Operations Bureau

SUBJECT: DATA REQUEST FROM NATIONAL DOMESTIC COMMUNICATIONS ASSISTANCE CENTER INVOLVING ALL CASES WHERE DIGITAL COMMUNICATION DATA WAS NOT RETRIEVABLE

With the advent of new data encryption methods for communication devices, law enforcement is rapidly losing the capability to lawfully obtain information necessary to protect the public from crime and violence. Nationally, law enforcement agencies face two critical challenges relative to "Going Dark" (the use of digital encryption to avoid detection).

The first challenge concerns real-time court-ordered interception of data in motion, such as phone calls, e-mails, text messages and chat sessions. The second challenge addresses "data at rest" - court-ordered access to data stored on devices, like e-mails, text messages, photos and videos.

The Federal Bureau of Investigation Office of Partner Engagement (FBI-OPE), in conjunction with the National Domestic Communications Assistance Center (NDCAC), has launched a national criminal case data collection campaign entitled "Going Dark." This data will be used to formulate an argument presented to the U.S. Congress to draft legislation that would force these device manufacturers and software encryption developers to provide law enforcement with the technology by which to recover data from these encrypted digital applications and devices.

To assist in this effort, effective immediately, all personnel shall complete the attached form when they encounter a case that meets one of the following criteria:

- **Due to encryption technologies, the case has been stalled; or**
- **When a digital device manufacturer and/or communication service provider refuses to assist law enforcement with timely data recovery citing "privacy" despite a valid search warrant issued by a court.**

If the case meets one of the two criteria above, the Investigating Officer (IO) **SHALL** gather the requested case data and complete the attached **digital** PDF fillable form (no handwritten forms will be accepted). Upon completion of the form, it shall be forwarded via Department email to the Counter-Terrorism and Special Operations Bureau, Going Dark Coordinator, at goingdark@lapd.online, for submission to the NDCAC.

The form called "Going Dark Forensic Data" is currently available on the Department LAN Home Page under E-Rotator / Publications. The form will be available on E-Forms within the next 90 days.

Any questions should be directed to Sergeant II Craig Kitchener, Major Crimes Division, Cyber Intelligence at 30105@lapd.online or via cell (213) 798-6961.

APPROVED:

HORACE E. FRANK, Commander
Acting Commanding Officer
Counter-Terrorism and Special Operations Bureau

SEAN W. MALINOWSKI, Deputy Chief
Chief of Staff
Office of the Chief of Police

Attachment

DISTRIBUTION "B"

Going Dark Device Forensic Submission Form

No handwritten forms will be accepted

Please complete the form below "Digitally" with all case information. One form per case (* Required field)

Submitter Name *

Submitter Agency Name *

Submitter E-mail Address *

Case Number *

Case Open Date

Case Closed Date

Type of Case *

POC Agency Type *

POC Agency Name *

POC Name (Last, First) *

POC E-mail Address *

Case Status

Date of Seizure

Device Type *

Device Manufacturer *

Device Model *

Was the device owner *

Owner Cooperative? *

Device Locked / Encrypted? *

Device Accessed? *

Device Platform / OS (If Known)

OS Version (If Known)

Cloud Service Type? (If Known)

Was Cloud Service used? *

Warrant Issued For Cloud Service? *

Cost of Response (U.S. Currency Only) *

Case Notes (Type N/A if None) *

Special Interest Categories

- ☐ Child Exploitation
- ☐ Customer Notified Without Authorization
- ☐ Encryption
- ☐ Not Applicable

Notes For Special Categories

Please submit this form Digitally (NOT handwritten) to the following Email address : goingdark@lapd.online. Any questions contact Sergeant II Craig Kitchener at (213) 798-6961.